

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AT&T COMMUNICATIONS OF THE MIDWEST, INC.	DOCKET NO. RPU-01-1 (TF-00-297)
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ORDER DOCKETING TARIFF

(Issued January 9, 2001)

On November 29, 2000, AT&T Communications of the Midwest, Inc. (AT&T), filed with the Utilities Board (Board) a letter and a revised tariff page to its Iowa Telephone Tariff No. 4, Local Exchange Service Tariff, Section 3, Second Revised Page 1. In its letter, AT&T proposes to expand its local service territory in Iowa and to amend its local certificate of public convenience and necessity to add the exchange areas of Frontier Communications of Iowa, Inc. (Frontier), South Slope Cooperative Telephone Company, Inc. (South Slope), Heartland Telecommunications Company of Iowa (Heartland), Farmers Mutual Telephone Company of Jesup, Iowa (Farmers Mutual), and Shell Rock Telephone Company (Shell Rock). The revised tariff page reflects the addition of those exchanges to the AT&T local service territory.

On December 28, 2000, South Slope, Heartland, and Shell Rock filed a request that the Board docket AT&T's request for amendment of its certificate and the proposed revised service area tariff page and grant the companies an opportunity

to be heard. These companies state they have questions and concerns regarding the unrestricted expansion of AT&T's certificate to provide local service in their service territory while the tariff provides only for provision of Digital Link local service.

The Board's rules regarding amendment of local exchange service territory certificates provide that "[a]fter notice to affected utilities and opportunity for hearing, the board will determine whether the new certificate or certificate modification will promote the public convenience and necessity." 199 IAC 22.20(4). Pursuant to this rule, the Board will grant the request for hearing filed by South Slope, Heartland, and Shell Rock.

South Slope, Heartland, and Shell Rock state that they are in communication with AT&T in an effort to resolve their questions and concerns. Thus, they request docketing "pending such resolution." It appears the companies are not requesting that a procedural schedule be set at this time, only that they be given time to discuss the issues associated with this filing. The Board believes that negotiated resolution of this matter is likely to be in the public interest, so the Board will not set a procedural schedule in this order. However, Iowa Code § 476.29(2) (1999) provides that the Board must make a determination on an initial application for a certificate within 90 days, with the possibility of a 60-day extension. While this statutory time frame does not specifically apply to certificate modifications, it provides a useful guideline for the Board's actions. Thus, the Board intends to act on AT&T's request for an amendment of its certificate by February 27, 2001, with the possibility of an

extension to April 27, 2001. Given this time frame, the Board will direct the parties to file a status report regarding their negotiations on any outstanding issues, and whether the issues require a hearing or merely briefing, on or before January 19, 2001. If no report is filed, the Board will proceed to docket this matter on an expedited schedule designed to permit issuance of a final decision and order no later than February 27, 2001.

IT IS THEREFORE ORDERED:

1. The proposed tariff amendment filed by AT&T Communications of the Midwest, Inc., on November 29, 2000, and identified as TF-00-297 is docketed for investigation as RPU-01-1.

2. South Slope Cooperative Telephone Company, Heartland Telecommunications Company of Iowa, and Shell Rock Telephone Company are granted intervention in this docket.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper /s/ Diane Munns
Acting Executive Secretary

Dated at Des Moines, Iowa, this 9th day of January, 2001.